

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STATE OF NEW JERSEY,)	
)	Civil Action
Plaintiff)	No. 07-CV-5298
)	
vs.)	
)	
RELIANT ENERGY MID-ATLANTIC)	
POWER HOLDINGS, LLC,)	
RELIANT ENERGY POWER)	
GENERATION, INC.,)	
SITHE ENERGIES, INC.,)	
now known as Dynegy, Inc., and)	
METROPOLITAN EDISON CO.,)	
)	
Defendants)	
)	
and)	
)	
STATE OF CONNECTICUT,)	
)	
Intervenor-Plaintiff)	
)	
vs.)	
)	
RELIANT ENERGY MID-ATLANTIC)	
POWER HOLDINGS, LLC,)	
RELIANT ENERGY POWER)	
GENERATION, INC.,)	
SITHE ENERGIES, INC.,)	
now known as Dynegy, Inc., and)	
METROPOLITAN EDISON CO.,)	
)	
Intervenor-Defendants)	

O R D E R

NOW, this 30th day of September, 2009, upon
consideration of the following documents:

- (1) Motion to Dismiss Counts 1-5 and 7-11 of New Jersey's First Amended Complaint Submitted by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc., which motion was filed February 19, 2009;

- (2) Defendant Metropolitan Edison Company's Motion to Dismiss Plaintiff New Jersey's First Amended Complaint, which motion was filed February 19, 2009;
- (3) Plaintiff's Memorandum of Law in Opposition to Motion to Dismiss by Defendant Metropolitan Edison Company, which memorandum was filed March 23, 2009 by plaintiff the State of New Jersey;
- (4) Plaintiff's Memorandum of Law in Opposition to Motion to Dismiss by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc., which memorandum was filed March 23, 2009 by plaintiff the State of New Jersey;
- (5) Defendant Metropolitan Edison Company's Motion to Dismiss Plaintiff-Intervenor Connecticut's Complaint-in-Intervention, which motion was filed April 23, 2009;
- (6) Motion to Dismiss Counts 1-5 and 7-11 of Plaintiff-Intervenor Connecticut's Complaint-in-Intervention Submitted by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc., which motion was filed April 27, 2009;
- (7) Plaintiff-Intervenor State of Connecticut's Opposition to Motion to Dismiss of Defendant Metropolitan Edison Company, which opposition was filed May 18, 2009 by intervenor-plaintiff the State of Connecticut;
- (8) Plaintiff-Intervenor State of Connecticut's Amended Objection to Motion to Motion to Dismiss of Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc., which opposition was filed May 22, 2009 by intervenor-plaintiff the State of Connecticut; and
- (9) Reply Memorandum in Support of Motion to Dismiss Counts 1-5 and 7-11 of Plaintiff-

Intervenor Connecticut's Complaint-in-Intervention Submitted by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc., which reply brief was filed May 29, 2009 with leave of court;

upon consideration of the briefs of the parties; after oral argument before the undersigned on June 1, 2009; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that each motion to dismiss is granted in part and denied in part.

IT IS FURTHER ORDERED that New Jersey's First Amended Complaint and Connecticut's First Amended Complaint-in-Intervention are dismissed to the extent they seek injunctive relief against defendant Metropolitan Edison Company.

IT IS FURTHER ORDERED that Defendant Metropolitan Edison Company's Motion to Dismiss Plaintiff New Jersey's First Amended Complaint and Defendant Metropolitan Edison Company's Motion to Dismiss Plaintiff-Intervenor Connecticut's Complaint-in-Intervention are dismissed as moot, to the extent they seek dismissal of Counts 5-6 and 10 of each complaint against Metropolitan Edison.

IT IS FURTHER ORDERED that each motion to dismiss is granted to the extent it seeks dismissal of Count 11 of the State of New Jersey's First Amended Complaint and the State of Connecticut's First Amended Complaint-in-Intervention.

IT IS FURTHER ORDERED that the Motion to Dismiss Counts 1-5 and 7-11 of New Jersey's First Amended Complaint Submitted by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc. is granted to the extent it seeks to strike paragraphs 78, 88, 98, 107, 117, 127, 138, 148, 158 and 168 of New Jersey's First Amended Complaint.

IT IS FURTHER ORDERED that paragraphs 78, 88, 98, 107, 117, 127, 138, 148, 158 and 168 of New Jersey's First Amended Complaint are stricken without prejudice for New Jersey to seek leave to file a supplemental pleading, if appropriate, after discovery.

IT IS FURTHER ORDERED that the Motion to Dismiss Counts 1-5 and 7-11 of Plaintiff-Intervenor Connecticut's Complaint-in-Intervention Submitted by Defendants Reliant Mid-Atlantic Power Holdings, LLC, Reliant Power Generation, Inc., and Sithe Energies, Inc. is granted to the extent it seeks to strike paragraphs 73, 83, 93, 103, 113, 123, 134, 144, 154 and 164 of Connecticut's Complaint-in-Intervention.

IT IS FURTHER ORDERED that paragraphs 73, 83, 93, 103, 113, 123, 134, 144, 154 and 164 of Connecticut's First Amended Complaint-in-Intervention are stricken without prejudice for Connecticut to seek leave to file a supplemental pleading, if appropriate, after discovery.

IT IS FURTHER ORDERED that in all other respects, each motion to dismiss is denied.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge